

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

John Chabria, *et al.*,

Plaintiffs,

-V-

**Case No. 2:06-cv-0543
JUDGE SMITH
Magistrate Judge Abel**

EDO Western Corporation,

Defendant.

ORDER

Plaintiffs initiated this case in the Franklin County Court of Common Pleas and it was subsequently removed to this Court on June 29, 2006 (Doc. 3). Defendant moved to dismiss on July 5, 2006 (Doc. 5).

On October 26, 2006, Plaintiffs filed an Amended Complaint (Doc. 20). Thereafter, on November 16, 2006, Defendant filed its second motion to dismiss the Amended Complaint (Doc. 31).

In light of Plaintiffs' Amended Complaint and Defendant's second motion to dismiss which encompasses all arguments made in the first motion to dismiss, Defendant's first motion to dismiss (Doc. 5) is **M00T**.

The Clerk shall remove Doc. 5 from the Court's CJRA pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT